<u>REMARKS</u>

Reconsideration of the application as presently amended is respectfully requested. Claims 16-19 have been amended. No claims have been added or canceled.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they include reference characters 405 and 406, which reference characters are asserted in the Office Action to have not been mentioned in the description. In response, Applicant has amended FIG. 4 of the application as originally filed. Applicant respectfully requests that the objection to the drawings be withdrawn.

Claim 18 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. In response, Applicant has amended claim 18 so that the delivering step refers to "said alternate facility." Applicant respectfully submits that the indefiniteness rejection of claim 18 has been obviated. Withdrawal of the rejection of claim 18 is respectfully requested.

Claims 1-10 and 25-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0153713 to Aboel-Nil, et al. ("Aboel-Nil") in view of U.S. Patent Publication No. 2005/0009502 to Little ("Little"). Applicant respectfully submits that Aboel-Nil and the present application were, at the time the invention claimed in claims 1-10 and 25-34 was made, owned by or subject to an obligation of assignment to the same person. Applicant therefore respectfully submits that, pursuant to 35 U.S.C. 103(c), Aboel-Nil cannot be used in support of an obviousness rejection of claims 1-10 and 25-34. Applicant respectfully submits that Aboel-Nil is not properly-citable art against claims 1-10 and 25-34 and requests that the rejection of claims 1-10 and 25-34 as unpatentable over Aboel-Nil in view of Little be withdrawn.

Claims 11 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,857,009 to Ferreria, et al. ("Ferreria") in view of Little. Ferreria is directed to a system that accommodates a subscriber that moves to a new location as opposed to a system that responds to an outage of an infrastructure supporting the subscriber. Ferreria utilizes a proxy architecture in which outbound requests are redirected to a secondary service. Ferreria is cited as teaching all of the features of independent claims 11 and 16 other than use in a wireless device, which feature Little is asserted by the Office Action to supply.

Applicant respectfully submits that the cited combination of Ferreria and Little fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 11, namely, intercepting email messages responsive to detection of an outage of a primary email system. Ferreria is directed to a system used to restore network connectivity when a subscriber moves from one location to another without a need to reconfigure network settings of the subscriber. However, Ferreria does not teach, suggest, or render obvious intercepting email messages responsive to detection of an *outage* of a primary email system. Little fails to cure this deficiency of Ferreria. Withdrawal of the rejection of claim 11 as unpatentable over Ferreria in view of Little is respectfully requested.

For similar reasons to those set forth above with respect to independent claim 11, Applicant respectfully submits that independent claim 16 also distinguishes over the cited combination of Ferreria and Little. In similar fashion to claim 11, claim 16 recites, among other things, intercepting, responsive to detection of an outage of a primary email system, email messages intended for the primary email system. Withdrawal of the rejection of independent claim 16 is respectfully requested.

Claims 12, 14, 36, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Ferreria. Little has been cited as teaching all of the features of the rejected claims except for ". . . the intercepting method occurring responsive to detection of an outage of a primary email system." Applicant respectfully submits that Little fails to teach, suggest, or render obvious at least the distinguishing feature of independent claim 12 of redirecting intercepted email messages to a pre-specified alternate location. The Office Action cites to paragraph 35 of Little as disclosing this feature of independent claim 12.

Paragraph 35 of Little describes operation of a central host system 30 to provide copies of email messages to a wireless device. Within the central host system 30 is a message server 40. The message server 40 acts as the main interface for the central host system 30 to exchange email with the internet 20. A redirection program 45 enables redirection of data items from the message server 40 to a mobile communication device 100. The redirection program 45 and the message server 40 interact to allow information to be pushed to the mobile communication device 100. The redirection program 45 is described as taking information for a specific user and redirecting the information through a corporate firewall to the mobile communication device 100.

Applicant respectfully submits that the redirection described in Little is not the same as the redirecting of intercepted email messages as claimed in independent claim 12. In Little, email messages sent to the central host system 30 are provided to the mobile communication device 100 via the redirection software 45 and a wireless network. Even if it is assumed, for the sake of argument, that the central host system 30 is analogous to the primary email system of claim 12 and the wireless network is analogous to the pre-specified alternate location of claim 12, the redirection described in Little is different than that of independent claim 12 at least in that any such "redirection" as described in Little can never be responsive to an outage of the central host system 30; if this were so, email messages would never be redirected as claimed in independent claim 12, because Little requires that any such redirected email messages pass through the central host system 30.

As noted above, Ferreria is cited as supplying the admitted deficiency of Little of ". . . the intercepting method occurring responsive to detection of an outage of a primary email system." As noted by Applicant above with respect to independent claim 11, Ferreria fails to teach, suggest or render obvious intercepting email messages responsive to detection of an *outage* of a primary email system as claimed in independent claim 12.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 12 distinguishes over the cited combination of Little and Ferreria. Withdrawal of the rejection of independent claim 12 is respectfully requested.

Applicant respectfully submits that independent claims 14, 36, and 38 distinguish over the cited combination of Little and Ferreria for similar reasons to those set forth above with respect to independent claim 12. In particular, independent claim 14 recites redirecting intercepted email messages to a pre-specified alternate location, independent claim 36 recites a customer mailstream service adapted to redirect email messages intercepted by the customer mailstream service to a pre-specified alternate location, and independent claim 38 recites an internet mail connector adapted to redirect intercepted email messages to a pre-specified alternate location. In similar fashion to that noted above, the "redirection" of Little is not the same as the redirection as claimed in claims 14, 36, and 38.

Applicant respectfully submits that claims 14, 36, and 38 distinguish over Little and Ferreria. Withdrawal of the rejection thereof is respectfully requested.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Ferreria and further in view of U.S. Patent Publication No. 2005/0120229 to Lahti ("Lahti"). Claim 13 depends from independent claim 12. Applicant respectfully submits that Lahti fails to cure the deficiencies noted above with respect to the rejection of independent claim 12 as unpatentable over Little in view of Ferreria. Applicant respectfully submits that claim 13 distinguishes over the cited combination of Little, Ferreria, and Lahti. Withdrawal of the rejection of claim 13 is respectfully requested.

Claims 15 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0102074 to Kolls ("Kolls") in view of U.S. Patent No. 6,957,248 to Quine, et al. ("Quine"). Kolls is directed to a system in which a client attempts to connect to a destination email server. In the event that the destination email server to which the client is attempting to connect is unavailable, the request is redirected through a proxy. In other words, if the client is unable to connect to a first email server, the client attempts to connect to a second server. Kolls is cited as teaching all of the features of independent claims 15 and 39 other than that "... the email messages are directed to non-functioning addresses." Quine is cited as supplying this feature.

In particular, the Office Action cites to paragraph 393 of Kolls. Paragraph 393 of Kolls describes a process in which, when a data destination cannot be directly reached, a server can receive and cache a data transmission or in real-time redirect the data transmission. The server can be configured as a gateway or router to a second server or network system and redirect the data transmission to a second server. Delivery of the data to the intended destination can be effectuated by the second server.

Applicant respectfully submits that Kolls fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 15, namely, responsive to detection of an outage of a primary email system, email messages directed to non-functioning addresses within the primary email system are intercepted on a real-time basis during the outage of the primary email system, are redirected to an alternate location, and are delivered from the alternate location to wireless devices. Paragraph 393 of Kolls pertains to an email, facsimile, and personal data assistant ("PDA") communication routine 1500 illustrated in FIG. 16 of Kolls. In FIG. 16, a flow illustrating the routine is described as being capable of effectuating sending and

receiving of email, facsimile, and PDA data between an in-vehicle device 200 and an internet-based data-processing resource.

In contrast to independent claim 15, the cited portion of Kolls is directed to a situation in which the in-vehicle device 200 is unable to connect to a particular server. In such situations, the server is configured as a gateway to a second server or system and the data transmission is directed to the second server. Applicant respectfully submits that it is impossible for Kolls to teach, suggest, or render obvious intercepting email messages as claimed responsive to detection of an outage of a primary email system, given that Kolls teaches that the internet server to which the device 200 initially attempts to connect acts as a gateway or router to another server or system. For at least this reason, Applicant respectfully submits that independent claim 15 distinguishes over Kolls.

As noted above, Quine has been cited as supplying the deficiency of Kolls of ". . . the email messages [being] directed to non-functioning addresses." Quine is directed to a method of forwarding emails from a disfavored email address to a preferred email address. Applicant respectfully submits that Quine fails to cure the deficiencies of Kolls noted above. Applicant therefore respectfully submits that independent claim 15 distinguishes over the cited combination of Kolls and Quine. Withdrawal of the rejection of claim 15 as unpatentable over the cited combination of Kolls and Quine is respectfully requested.

Independent claim 39 is directed to a system for intercepting and redirecting email messages to wireless devices during an outage of a primary email system. The system comprises a message routing functionality for intercepting, during the outage of the primary email system, email messages directed to non-functioning addresses in the primary email system on a real-time basis. The message routing functionality is adapted to redirect the email messages to an alternate location. Applicant respectfully submits that independent claim 39 distinguishes over the cited combination of Kolls and Quine for similar reasons to those set forth above with respect to independent claim 15. Withdrawal of the rejection of independent claim 39 is respectfully requested.

Claims 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,557,036 to Kavacheri, et al. ("Kavacheri") in view of U.S. Publication No. 2004/0235503 to Koponen, et al. ("Koponen"). Kavacheri is directed to a store-and-forward

architecture in which a mail server 301 is used to distribute computer-based mail. In Kavacheri, the term *store-and-forward* means that the mail server 301 automatically handles receipt of mail messages necessitated when network links or other services are temporarily unavailable. A transfer unit 302 included in the mail server 301 directs messages to an appropriate network transport and ensures reliable delivery over that transport. The mail server 301 includes a message store 304 coupled to the transfer unit 302 that is used to store messages for later transmission to a user mailbox 303. Koponen describes a middleware layer that directs messages to various destinations based upon priority or urgency.

Applicant respectfully submits that the cited combination of Kavacheri and Koponen fail to teach, suggest, of render obvious at least one of the distinguishing features of independent claim 17, namely, redirecting, responsive to detection of an *outage of a primary email system*, email messages intended to be delivered to the primary email system to an SMTP host. In contrast to the invention as claimed in independent claim 17, Kavacheri and Koponen each describe store-and-forward systems that buffer messages in the event of an outage; however, neither Kavacheri nor Koponen describes delivery of messages to an SMTP host responsive to detection of an *outage of a primary email system*. In the cited references, a store-and-forward approach is utilized in which email messages are buffered in the event of an outage. Neither of the cited references describes delivery of messages to an alternate email server (i.e., the SMTP host) as claimed.

Applicant respectfully submits that independent claim 17 distinguishes over the cited combination of Kavacheri and Koponen. Withdrawal of the rejection of independent Claim 17 is respectfully requested.

Claims 19 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kavacheri in view of U.S. Patent Publication No. 2004/0019695 to Fellenstein et al. ("Fellenstein"). Kavacheri is directed to a store-and-forward architecture in which a mail server 301 is used to distribute computer-based mail. In Kavacheri, the term *store-and-forward* means that the mail server 301 automatically handles receipt of mail messages necessitated when network links or other services are temporarily unavailable. A transfer unit 302 included in the mail server 301 directs messages to an appropriate network transport and ensures reliable delivery over that transport. The mail server 301 includes a message store 304 coupled to the transfer unit 302 that is used to store messages for later transmission to a user mailbox 303.

Kavacheri has been cited as teaching all of the features of claims 19 and 21-23 other than "...maintaining a mapping of alternate e-mail addresses of the wireless devices." Fellenstein has been cited as supplying this deficiency of Kavacheri.

Applicant respectfully submits that Kavacheri teaches sending of test messages for the purpose of monitoring, but does not teach, suggest, or render obvious, delivering, via an alternate e-mail address, e-mail messages to a wireless device responsive to detection of an outage of a primary e-mail system. Kavacheri does not disclose a process by which e-mail messages are delivered to an alternate e-mail address.

Fellenstein discloses provision of multiple routes of delivery for an e-mail message. However, even if Kavacheri and Fellenstein were somehow combined, Applicant respectfully submits that neither Kavacheri nor Fellenstein, singularly or in combination, teaches, suggests, or renders obvious delivering, via the alternate e-mail address, of e-mail messages to a wireless device responsive to detection of an outage of a primary e-mail system. Applicant respectfully submits that claim 19 distinguishes over the cited combination of Kavacheri and Fellenstein. Withdrawal of the rejection of independent claim 19 is respectfully requested.

Claims 21-23 depend from and further limit independent claim 19 in a patentable sense. Each of dependent claims 21-23 is therefore deemed to distinguish over the cited combination of Kavacheri and Fellenstein for at least the same reasons as those set forth above with respect to independent claim 19. Withdrawal of the rejection of claims 21-23 is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fellenstein in view of Ferreria. Fellenstein is directed to a system for enabling instant messaging systems to use alternative message-delivery mechanisms. The Office Action cites to ¶¶ 49-51 and FIGURE 3 of Fellenstein. Paragraphs 49-51 describe a portion of a flow chart illustrating a method of employing forwarding rules when an instant message to an addressee is not acknowledged. In particular, ¶¶ 49-51 describe that, responsive to a lack of a message acknowledgment, forwarding rules are checked to determine which of three forwarding options 560, 570, 580 is the most appropriate to handle the instant message. The first forwarding option 560 is described as dropping the instant message. In such a scenario, the instant message is not forwarded to its intended recipient. If the second forwarding option 570 is selected, the instant message is forwarded to a one-way or non-real-time communication device, such as voice mail,

e-mail, or a one-way pager according to forwarding rules illustrated in FIGURE 3 of Fellenstein. Examples listed with respect to FIGURE 3 are a voice mailbox and an alternate e-mail address.

The Office Action admits that Fellenstein fails to disclose delivery of e-mail addresses responsive to detection of an outage of a primary e-mail system. Ferreria is cited as supplying this admitted deficiency of Fellenstein. However, in similar fashion to that noted above, Ferreria fails to teach, suggest, or render obvious delivering e-mail messages responsive to detection of an *outage* of a primary e-mail system, but rather discloses a system that accommodates a subscriber that moves to a new location.

Applicant respectfully submits that claim 19 distinguishes over the cited combination of Fellenstein and Ferreria. Withdrawal of the rejection of claim 19 is respectfully requested.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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